

REMARKS

Claims 1, 3- 10, 12, 13 and 15-24 are in the application. Claim 2 has been cancelled. Claims 20 - 25 have been added. Claims 1, 9, 10 and 12 have been amended. Claims 13 and 15 have been held withdrawn by the Examiner as being drawn to non-elected subject matter. Claim 15 has been amended to keep it consistent with examined claim 1. Applicants reserve their right to file divisional or continuation applications on all cancelled or deleted subject matter.

The Examiner in the prior office action restricted the claims in the application into 6 Groups on the basis of 35 USC §121 and §372: Applicants previously elected Group I with traverse. The Examiner has found this unpersuasive. A requirement for an election of species was made and Applicants previously elected the compound of Example 1 as a species being required by the Examiner.

The Examiner also asked for an election of an intended use, which Applicants inadvertently failed to elect. In response thereto, Applicants elect chronic obstructive pulmonary disease as a disease or condition which is subject to treatment by inhibition or regulation of the p38 kinase or p38 mediated cytokine production. Support for this election may be found in the specification on pages 28 and 29 throughout. A newly added claim dependent upon claim 12 has been added to this particular disease state or condition.

CONCLUSION

It is believed that all the claims in the application are now in condition for examination on the merits. Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned at the number below. If any additional fees or charges are required by this paper the Commissioner is hereby authorized to charge Deposit account 19-2570 accordingly.

Respectfully submitted,

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